



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,060	09/10/2003	Joseph E. Kaminkow	0112300-1423	7281
29159	7590	07/02/2009		
K&L Gates LLP P.O. Box 1135 CHICAGO, IL 60690			EXAMINER RADA, ALEX P	
			ART UNIT 3714	PAPER NUMBER
			NOTIFICATION DATE 07/02/2009	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

chicago.patents@klgates.com

Office Action Summary

Application No.

10/660,060

Applicant(s)

KAMINKOW ET AL.

Examiner

ALEX P. RADA

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 11-13, 16, 18-25, 29 and 31-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 11-13, 16, 18-25, 29 and 31-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

In response to the Request for Continued Examination filed 21 April 2009 wherein applicant amends claims 1, 19, 33, 41 and claims 1-8, 11-13, 16, 18-25, 29 and 31-47 are pending in this application.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 11-13, 16, 18-25, 29 and 31-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Falciglia, SR (US Pub. No. 2003/0181234) in view of Thomas et al. (US Pub. No. 2003/0073480) and Simunek (US 5,401,024).

Regarding claims 1 and 19, Falciglia discloses a gaming device comprising: at least one input device (abstract); at least one display device (abstract); and at least one processor (within gaming device 100); and at least one memory device which stores a plurality of instructions, which when executed by the at least one processor, cause the at least one processor to operate with the at least one display device and the at least one input device (within gaming device 100), for a play of the game, to: (i) display a plurality of selections, each selection being associated with one of a plurality of symbols (figures 1a-1g and paragraphs ([0018-0022]), (ii) display a plurality of random symbol

generators, wherein each of the random symbol generators is associated with a different group of selections from the group-plurality of selections, each symbol generator and each group of selections being associated with a range of symbols, and wherein each of the random symbol generators each is configured to randomly generate generating one of the symbols of the associated range of symbols of the associated selection group upon activation (figures 1a-1g and paragraphs ([0018-0022]), (iii) enable a player to pick one of the plurality of selections, the picked selection picked by the player being associated with a first symbol from the range associated with the group of selections including the selection picked by the player (paragraph [0010]; wherein a player is capable of placing additional bets on specific row or even individual squares, which is understood that the player is capable of enabling a player to pick one of the plurality of selections being associated with a first symbol from the range associated with the group of selections); (iv) cause a number of generations by each of the random symbol generators, the number of generations being greater than one (paragraph [0022]), (v) for each generation of each of the random symbol generators, determine whether reveal the first symbol, is generated (paragraph [0022]); (vi) cause a first award to be provided, the first award being based on the symbols associated with each of the plurality of selections and the first award also being based on the symbols generated for each generation of each of the plurality of by the associated random symbol generators (paragraph [0022]; wherein the number of points is considered to be the first award).

Regarding claims 2 and 20, Falciglia discloses wherein the first award is based on a quantity of the symbols associated with the plurality of selections which are generated by the random symbol generators for the play of the game (paragraphs [0008-0010]).

Regarding claims 3 and 21, Falciglia discloses wherein the first award is based on whether the symbol associated with each of the selections is generated for the play of the game (paragraphs [0008-0010]).

Regarding claim 11, Falciglia discloses wherein the first award is based on each of the symbols associated with each of the selections of one of the groups of selections generated for the play of the game (figure 1a-1g and paragraphs [0018-0022]).

Regarding claim 12, Falciglia discloses wherein the plurality of selections is displayed as set of rows of masked selections and wherein each of the random symbol generators is displayed adjacent to a column of the selections, the columns of the selections representing the groups of the selections (figures 1a-1g).

Regarding claim 13, Falciglia discloses wherein each of the random symbol generators is configured to generate and display one of the symbols from the associated range of symbols (paragraph [0019]).

Regarding claims 16, 18 and 29-32, Falciglia discloses the symbols are numbers (figures 1a-1g) and display the symbols as initially masked (figures 1a-1g), additional generations available to be generated by the random symbol generators (figures 1a-1g and paragraph [0018]) and the symbols must occur in a row of symbols or a column of symbols (figures 1a-1g).

Regarding claim 25, Falciglia discloses wherein the instruction cause the at least one processor display a plurality of groups of the selections, wherein each independent symbol generator is associated with one of the groups of the selections and wherein the first awards is based on a quantity of symbol in at least on of the groups which are revealed for play of the game (figures 1a-1g and paragraphs [0018-0022]).

Regarding claim 33, Falciglia discloses a gaming device having a game payable upon a wager, comprising: (a) generating a first set of symbols from a plurality of symbols (figures 1-3 and paragraphs [0018-0022]); (b) displaying a plurality of selections, wherein each symbol of the first set of symbols is associated with one of the plurality of selections (figures 1-3 and paragraphs [0018-0022]); (c) enabling a player to pick one of the selections, the selection picked by the player being associated with a first symbol from the first set of symbols (paragraph [0010]; wherein a player is capable of placing additional bets on specific row or even individual squares, which is understood that the player is capable of enabling a player to pick one of the plurality of selections being associated with a first symbol from the range associated with the group of selections); (d) randomly generating a second set of the symbols from the plurality of symbols (paragraphs [0018-0022]); (e) providing a first awards based on any symbols generated in both the first set of symbols and the second set of symbols (paragraphs [0018-0022]).

Regarding claim 34, Falciglia discloses wherein the first award is based on a quantity of symbols generated in both the first set of symbols and the second set of symbols (paragraphs [0018-0022]).

Regarding claim 35, Falciglia discloses dividing the plurality of selections into a plurality of groups of selections and providing the first award if the symbol associated is generated in both the first set of symbols and the second set of symbols (paragraphs [0018-0022]).

Regarding claim 36, Falciglia discloses repeating (d) at least once prior to providing any award (paragraphs [0018-0022]).

Regarding claims 39-40 and 45-46, Falciglia discloses being operated through a data network and the data network includes an Internet (paragraph [0009]).

Regarding claim 41, Falciglia discloses a gaming device having a game operable upon a wager comprising: (a) enabling a play of matching game as a first bonus game of a base game (figures 1-3 and paragraphs [0018-0022]); (b) for the play of the first bonus game enabling a player to pick on of a plurality of selectable regions, each of the selectable regions being associated with one of a plurality of items, each of the associated items being hidden prior to the player picking one of the selectable regions (paragraph [0010]; wherein a player is capable of placing additional bets on specific row or even individual squares, which is understood that the player is capable of enabling a player to pick one of the plurality of selections being associated with a first symbol from the range associated with the group of selections); (c) displaying a matching sequence of matching game, the matching sequence including a plurality of generations of one of the plurality of item and a comparison of each generated item to the item associated with each selectable region (figures 1-3 and paragraphs [0018-0022]); (d) enabling a play of a second bonus game if the item associated with the selectable regions picked by the player is generated in the matching sequence (figures 1-3 and paragraphs [0018-0022]); and (e) providing an award based on the outcomes of the first bonus games and based on the outcome of the second bonus game (figures 1-3 and paragraphs [0018-0022]).

Regarding claim 42, Falciglia discloses displaying the matching game on a plurality of reels, each reel displaying a group of the items (figures 1-3 and paragraphs [0018-0022]).

Falciglia discloses the claimed invention as discussed above but is silent in regards to **claims 1, 19, 33 and 41**, the first symbol being hidden prior to the player picking the picked selection; reveal the first symbol, if the picked selection is generated within the number of generations; if the first symbol is generated for any of the random symbol generators, reveal the first symbol; and a second award to the player based on how many of the symbols associated with selections picked are generated by the associated random symbol generators within the amount of generations; and the

additional second award being determined based on an outcome of a bonus event, the outcome of the bonus event determined after a first generation by each of the random symbol generators, the first generation including a generation of the first symbol, and before a subsequent second generation by each of the random symbol generators; regarding **claims 4, 22, 37 and 44**, wherein the second award is a combination of values provided in connection with each of the symbols associated with selections picked by the player that are also generated by the device; regarding **claims 5 and 23**, wherein the second award includes an outcome from at least one bonus game played after one of the symbols associated with selections picked by the player is also generated by the device; regarding **claims 6, 38 and 43**, wherein the bonus game includes a mechanical device that generates the outcome; regarding **claims 7 and 24**, wherein the mechanical device is selected from the group consisting of: a spinning reel, a spinning wheel, a translating indicator, a rotating indicator and any combination thereof; regarding **claim 8**, wherein the second award is generated via a mechanical display device.

Thomas teaches (claims 1, 4 and 22) a spin keno type amusement device wherein a player selects a number of spots to determine an outcome. Each of the spots selected by the user has a range of a plurality of symbols being hidden prior to the player picking selected spots on the display. If there are matches between the spots selected by the user and the generated spots by the amusement device an award is provided based on the number of spots matched (summary). By modifying Falciglia's plurality of random symbol generators, wherein each random symbol generator being associated with a range of a plurality of symbols, one of ordinary skill in the art would provide a user with predictable results by providing a player to obtain as many matches as possible to increase the size of a payout (paragraph [0012]).

Thomas teaches the bonus game includes a device that simulates a mechanical device that generates the outcome (paragraph [0005], [0046] and summary); wherein Thomas is capable of playing on a simulated mechanical machine or on a physical mechanical machine). At the time the invention was made, it would have been an obvious design choice to a person of ordinary skill in the art to provide different mechanical device from the group consisting of a spinning reel, a spinning wheel, a translating indicator, a rotating indicator and any combination and a mechanical display device because Applicant has not disclosed that different types of mechanical device used provides an advantage or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the simulated reels on a display device of Thomas because they provide the same functionality of randomly determining an outcome.

Simunek teaches a keno type game having bonus wherein a player selects a predetermined number of spots. The player's selected spots are matched by one of the randomly generated spots. If a the players "super spot" is selected by one of the randomly generated spots than a bonus event occurs. A multiplier is randomly generated and is used to multiply the player's other matched spot winnings by the multiplier to determine a bonus pay off, which is considered to be the secondary award. By having a bonus event, one ordinary skill in the art would provide a user with an opportunity to increase the size of the payout outcome. Falciglia in view of Thomas and Simunek does not explicitly recite that the bonus event determined after a first generation by each of the random symbol generators, the first generation including a generation of the first symbol and before subsequent second generation by each of the random symbol generators. Falciglia in view of Thomas and Simunek disclose all of the claimed limitations except for the particulars regarding the bonus event being determined after the first generation and before the subsequent second generation. It would have been an obvious to one of ordinary skill in the art to in determining the

particulars of the bonus event determined after the first generation and before the subsequent second generation since the determination of the bonus event is not critical to the outcome of the game. One of ordinary skill in the art would have expected Applicant's invention to perform equally well with the combination of Falciglia in view of Thomas and Simunek because they would provide the same outcome of providing a player to obtain as many matches as possible to includes the size of a payout outcome.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Falciglia to include an award provided to the player based on how many of the symbols associated with selections picked are generated by the associated random symbol generators within the amount of generations as taught by Thomas and Simunek by providing a player to obtain as many matches as possible to increase the size of a payout outcome.

Response to Arguments

3. Applicant's arguments filed 21 April 2009 have been fully considered but they are not persuasive.

Applicant contends that the prior art of Falciglia, Thomas or Simunek disclose nor teach the outcome of the bonus event determined after a first generation by each of the random symbol generations, the first generation including a generation of the first symbol and before a second generation by each of the random symbol generators.

The examiner respectfully disagrees. As noted above, Falciglia in view of Thomas and Simunek does not explicitly recite that the bonus event determined after a first generation by each of the random symbol generators, the first generation including a generation of the first symbol and

before subsequent second generation by each of the random symbol generators. Falciglia in view of Thomas and Simunek disclose all of the claimed limitations except for the particulars regarding the bonus event being determined after the first generation and before the subsequent second generation. It would have been an obvious to one of ordinary skill in the art to in determining the particulars of the bonus event determined after the first generation and before the subsequent second generation since the determination of the bonus event is not critical to the outcome of the game. Simunek teaches a keno type game having bonus wherein a player selects a predetermined number of spots. The player's selected spots are matched by one of the randomly generated spots. If the players "super spot" is selected by one of the randomly generated spots than a bonus event occurs. A multiplier is randomly generated and is used to multiply the player's other matched spot winnings by the multiplier to determine a bonus pay off, which is considered to be the secondary award. The flow chart of figure 4, discloses at (116) if any of the masked symbol picked by the player generated by the device proceeds to (118) which operates a bonus event. Simunek teaches that bonus event of if the player's selected spots are matched and a multiplier is randomly generated and is used to multiply the player's other matched spot winnings by the multiplier to determine a bonus pay off, which is considered to be the secondary award. The outcome of the game regardless if the bonus event is determined after a first generation and before a subsequent generation is not critical and does not change the outcome or play of the game. One of ordinary skill in the art would have expected Applicant's invention to perform equally well with the combination of Falciglia in view of Thomas and Simunek because they would provide the same outcome of providing a player to obtain as many matches as possible to includes the size of a payout outcome.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALEX P. RADA whose telephone number is (571)272-4452. The examiner can normally be reached on Monday - Thursday, 09:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 571-272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/A. P. R./
Examiner, Art Unit 3714

/Peter D. Vo/

Supervisory Patent Examiner, Art Unit 3714